

Exhibit 10

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,
Plaintiff,
vs. No. CV 10-03561 WHA
GOOGLE INC.,
Defendant.

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VIDEOTAPED DEPOSITION OF JAMES KOLOTOUROS
Palo Alto, California
Tuesday, January 26, 2016
Volume I

Reported by:
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Job No. 2224276
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1 Q Do you think, as you sit here today, that
2 Android TV is currently progressing well?
3 A I believe so.
4 Q So there's been no change -- there's been
5 no negative change between June 2014 and today
6 regarding Android TV --
7 MR. RAGLAND: Objection.
8 BY MS. LEWIS-GRUSS:
9 Q -- is that correct?
10 MR. RAGLAND: Objection. Form.
11 THE WITNESS: I think -- I think that's a
12 fair characterization.
13 BY MS. LEWIS-GRUSS:
14 Q Are you aware of any financial projections
15 that Google has performed regarding Android TV?
16 A I'm not familiar with any financial
17 projections in connection with Android TV.
18 Q What is the purpose of Android TV for
19 Google?
20 MR. RAGLAND: Objection. Form. Beyond
21 the scope of the noticed topics.
22 THE WITNESS: What is the purpose of
23 Android TV? I think to expand the Android ecosystem
24 to additional form factors that are relevant for
25 Android.

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1 BY MS. LEWIS-GRUSS:
2 Q Does Google collect data via Android TV?
3 MR. RAGLAND: Objection to form. Also,
4 beyond the scope of the noticed topics.
5 THE WITNESS: I am unfamiliar with the
6 data collection practices of Android TV.
7 BY MS. LEWIS-GRUSS:
8 Q Do you have a reason to believe that
9 Google does not collect data from users of Android
10 TV?
11 MR. RAGLAND: Objection to form. Also,
12 beyond the scope of the noticed topics.
13 THE WITNESS: I -- I'd feel uncomfortable
14 saying one way or another what they're collecting or
15 not collecting as it relates to data and Android TV.
16 BY MS. LEWIS-GRUSS:
17 Q Were you involved in any efforts to
18 prepare a strategy regarding the launch of Android
19 TV?
20 MR. RAGLAND: Objection to form.
21 THE WITNESS: I was not.
22 BY MS. LEWIS-GRUSS:
23 Q Were you involved in any efforts to expand
24 the reach of Android TV?
25 MR. RAGLAND: Same objection.

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1 THE WITNESS: I was involved, yes.
2 BY MS. LEWIS-GRUSS:
3 Q And what was your involvement in efforts
4 to expand the reach of Android TV?
5 A In the first half of 2015 the Android TV
6 lead at the time had been reorganized under my team
7 or within my team, and so he was responsible for
8 interacting with OEMs and working with local teams
9 to promote Android TV to OEMs and set-top box
10 partners, et cetera.
11 Q Who is the Android TV lead as of -- or who
12 was the Android TV lead as of the first half of
13 2015?
14 A His name is Thomas Riedel, R-i-e-d-e-l.
15 Q Does -- does Mr. Riedel continue to be the
16 Android TV lead today?
17 A He is currently not functioning as the
18 lead for Android TV.
19 Q Who is functioning as the lead for Android
20 TV today?
21 A At a product level or a business
22 development level? What -- at any particular lead
23 or --
24 Q Who replaced Mr. Riedel?
25 A Suveer Kothari, S-u-v-e-e-r.

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1 Q And what are Mr. Kothari's
2 responsibilities?
3 A I understand them to be responsibility for
4 Android TV and Google Cast business development
5 efforts.
6 Q Is that at a product-level or a business
7 development-level role?
8 A It is a business development-level role.
9 Q And does Mr. Kothari report to you
10 directly or indirectly?
11 A He does not.
12 Q Okay. So at the time that Mr. Riedel was,
13 you know, in his responsibilities reorganized under
14 your team, what was your involvement in interacting
15 with the OEMs to promote Android TV?
16 MR. RAGLAND: Objection to form.
17 THE WITNESS: There was no direct
18 involvement in connection with Thomas' activities
19 when he was working on Android TV.
20 BY MS. LEWIS-GRUSS:
21 Q What were your responsibilities in working
22 with Thomas?
23 A Managing him, helping with respect to
24 guidance or counsel on deal terms or -- or OEM
25 collaboration issues, also coordinating across OEMs

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1 who might have been not just Android TV partners,
2 but Android smartphone or tablet manufacturers.
3 Q What does that coordination involve?
4 A Primarily making sure that we're doing our
5 best to work well with the OEM and work efficiently
6 with them so that, as we -- they work on smartphones
7 or tablets or TVs, they -- they have an efficient
8 interaction with Google and are -- have better
9 prospects for success.
10 Q Does Google enter into specific and
11 separate agreements for smartphones versus tablets
12 versus TVs?
13 MR. RAGLAND: Objection. Form.
14 THE WITNESS: They -- they can, but if an
15 OEM is already a smartphone or tablet licensee of
16 Google applications, a simple MADA or a simple
17 amendment is all that is needed to expand their
18 connection to Android via the TV program.
19 BY MS. LEWIS-GRUSS:
20 Q So in managing Mr. Riedel, did you work
21 with him on deals with specific OEMs?
22 A With specific -- specific deals? No
23 specific deals.
24 Q Did you give him guidance on a general
25 framework for Android TV deals?

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1 MR. RAGLAND: Objection. Form.
2 THE WITNESS: I'm sure -- I'm sure I would
3 have or I'm sure I did.
4 BY MS. LEWIS-GRUSS:
5 Q What was your proposed strategy regarding
6 Android TV deals?
7 MR. RAGLAND: Objection. Form.
8 THE WITNESS: Probably just be nice, be
9 easy to work with, listen to what questions they
10 have. Answer them as well as possible. You know,
11 as specific deal terms were raised, we could then
12 assess whether or not we could make changes as
13 needed or, if -- if not acceptable, we'd reject
14 them.
15 BY MS. LEWIS-GRUSS:
16 Q Does Google have any requirements
17 regarding deal terms for Android TV?
18 MR. RAGLAND: Objection. Form.
19 THE WITNESS: I'm sure. I'm sure there's
20 some requirements in connection with an Android TV
21 agreement.
22 BY MS. LEWIS-GRUSS:
23 Q Are there requirements, for example,
24 regarding branding of an Android TV?
25 MR. RAGLAND: Objection. Form.

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1 THE WITNESS: I believe so, but I have not
2 read that agreement recently; so I'm not a hundred
3 percent familiar with what the current terms would
4 contain.
5 BY MS. LEWIS-GRUSS:
6 Q Mr. Kolotouros, do you understand that you
7 are here today to testify about strategies in any
8 way associated with Android under any part thereof?
9 MR. RAGLAND: Objection. Form. I'll also
10 refer to Docket No. 1416, which bears upon
11 presentation of the witness today.
12 THE WITNESS: I understand.
13 BY MS. LEWIS-GRUSS:
14 Q Do you understand what Google strategy is
15 for Android TV?
16 MR. RAGLAND: Objection. Form.
17 THE WITNESS: At a high level I believe I
18 know what the strategy is.
19 BY MS. LEWIS-GRUSS:
20 Q Okay. Could you describe to me what
21 Google strategy is for Android TV, please?
22 MR. RAGLAND: Objection. Form.
23 THE WITNESS: To encourage the adoption of
24 Android TV by TV manufacturers and set-top
25 manufacturers and develop products that, in fact,

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1 are ones that resonate well with the OEMs and
2 set-top manufacturers who would build these devices.
3 BY MS. LEWIS-GRUSS:
4 Q Why is the television market important to
5 Google?
6 MR. RAGLAND: Objection. Form. Also,
7 objection to the extent it's outside the scope of
8 the noticed topics.
9 THE WITNESS: In that -- in that
10 ecosystems are expanding to include additional form
11 factors, and at the same time as competitors are
12 looking to expand into other segments, it is my
13 belief that, for Android to be successful, not just
14 being in phones and tablets is important.
15 BY MS. LEWIS-GRUSS:
16 Q Who are the competitors that you referred
17 to in your answer?
18 A I think Apple is one. I think Microsoft
19 is another.
20 Q Why does Google need Android TV when it
21 has Chrome Cast?
22 MR. RAGLAND: Objection. Form.
23 THE WITNESS: I think -- I think that is a
24 question that is still being answered internally.
25 //

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1 for -- well, for connected devices, I guess.
 2 BY MS. LEWIS-GRUSS:
 3 Q And how would lack of success in the
 4 wearable space impact the ecosystem for Android?
 5 MR. RAGLAND: Objection to form and to
 6 scope.
 7 THE WITNESS: Can you repeat the question,
 8 please?
 9 (Record read by the reporter as follows:
 10 "QUESTION: And how would lack of
 11 success in the wearable space impact the
 12 ecosystem for Android?")
 13 THE WITNESS: If users do not believe that
 14 Android Wear was a -- a good product for them to
 15 choose from, they might be driven away from Android
 16 as an ecosystem as a whole and not want to consider
 17 Android for a smartphone or a tablet or TV purchase.
 18 BY MS. LEWIS-GRUSS:
 19 Q Does Google earn revenue in conjunction
 20 with the Android Wear platform?
 21 A Not that I'm aware of.
 22 Q Does Google sell applications and content
 23 via Android Wear devices?
 24 MR. RAGLAND: Objection. Form.
 25 THE WITNESS: I don't know if any of the

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1 apps in Android Wear are paid apps. There is --
 2 there is that chance, but I'm -- I'm not familiar
 3 with any.
 4 BY MS. LEWIS-GRUSS:
 5 Q Do you know if Google has any plan to
 6 collect data associated with consumers' use of
 7 Android Wear?
 8 MR. RAGLAND: Objection to form.
 9 Objection as beyond the scope of the noticed topics.
 10 THE WITNESS: I'm unfamiliar with the data
 11 collection plans for Android Wear.
 12 BY MS. LEWIS-GRUSS:
 13 Q Do you know whether any Google
 14 applications are preloaded on Android Wear devices?
 15 MR. RAGLAND: Objection to form.
 16 THE WITNESS: I think -- I think the
 17 Google Launcher is, but I'm not sure what else might
 18 be preloaded on the -- an Android Wear device.
 19 BY MS. LEWIS-GRUSS:
 20 Q And what is the Google Launcher?
 21 A I think it's the interface that helps the
 22 user navigate the screens and the swiping gestures
 23 of a wearable device.
 24 Q Does Google have any future plans -- does
 25 Google have any plan or strategy to monetize Android

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1 Wear in the future?
 2 A Not that I'm aware of.
 3 Q What is the type -- what is the name of
 4 the agreement that covers Android Wear?
 5 MR. RAGLAND: Objection to form.
 6 THE WITNESS: I think it's just the
 7 Android Wear license agreement.
 8 BY MS. LEWIS-GRUSS:
 9 Q Are there specific requirements for the
 10 use of Android Wear similar to the requirement we've
 11 previously discussed for mobile phones?
 12 MR. RAGLAND: Objection to form.
 13 THE WITNESS: I'm sure there are
 14 requirements, but I can't say -- do a compare and
 15 contrast against what is in other agreements.
 16 BY MS. LEWIS-GRUSS:
 17 Q I'm returning to the spreadsheet. There's
 18 also a product area of TVs, which we've discussed
 19 before. I'm not sure if I asked you this question;
 20 so forgive me if I've already asked you.
 21 But does Google have -- does Google
 22 collect data from consumers who have Android TVs?
 23 MR. RAGLAND: Objection to the form.
 24 Objection as beyond the scope of the noticed topics.
 25 THE WITNESS: I'm unfamiliar with what the

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1 date collection plans for the Android TV are.
 2 BY MS. LEWIS-GRUSS:
 3 Q If you could turn back to this document,
 4 there is a spread- -- the tab called the "Partner
 5 Hot List Expiring M -- MAD," is what you see on the
 6 tab.
 7 A I'm having -- I'm sorry. I'm having a
 8 hard time navigating there.
 9 Q It's a red --
 10 A Ah, there it is. I'm on it. There we go.
 11 Q Why are the listed OEMs considered to be
 12 on the hot list?
 13 MR. RAGLAND: Objection to form.
 14 THE WITNESS: [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 BY MS. LEWIS-GRUSS:
 18 Q If you could turn to the next tab, please,
 19 which is called "Tier One OEMs."
 20 A Okay.
 21 Q What does it mean to be a tier one OEM?
 22 A A tier one OEM is an OEM with whom we have
 23 a -- basically a direct relationship with, meaning
 24 that the OEM will submit their Android devices to us
 25 for certification and testing.

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1 Q Do you recall whether -- who the
2 manufacturer was of the very first Android phone
3 released to market?
4 MR. RAGLAND: Objection to form and scope.
5 THE WITNESS: I think it was HTC, but I'm
6 not a hundred percent sure.
7 BY MS. LEWIS-GRUSS:
8 Q And do you know whether HTC has an
9 agreement at the time that it introduced the first
10 Android phone to receive revenue share from Google?
11 MR. RAGLAND: Objection to form.
12 THE WITNESS: I'm unaware of whatever
13 terms might have been in place.
14 BY MS. LEWIS-GRUSS:
15 Q When carriers receive revenue share from
16 Google, is there a standard percentage of revenue
17 that Google shares with those carriers?
18 MR. RAGLAND: Objection to form.
19 THE WITNESS: I don't know if it's a
20 standard, but the prevailing number that I've heard
21 or seen is [REDACTED] percent.
22 BY MS. LEWIS-GRUSS:
23 Q And you were not responsible for
24 negotiating with the carriers for revenue-share
25 agreements; is that correct?

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1 A That is correct.
2 Q And your group is not responsible for
3 negotiating with carriers; is that correct?
4 A That is correct.
5 Q And what is the standard percentage of
6 revenue share that is provided to developers?
7 MR. RAGLAND: Objection to form.
8 THE WITNESS: The prevailing revenue share
9 provided to developers, I believe, is 70 percent.
10 BY MS. LEWIS-GRUSS:
11 Q Do you know whether the revenue share --
12 the percentage of revenue shared with developers has
13 increased or decreased since Android was introduced
14 to the market?
15 MR. RAGLAND: Objection to form.
16 THE WITNESS: I am unfamiliar with the
17 historical trend or path of developer revenue
18 shares.
19 BY MS. LEWIS-GRUSS:
20 Q Do you know whether the percentage of
21 revenue that Google shares with carriers has
22 increased or decreased since Android was released to
23 the market?
24 MR. RAGLAND: Objection to form.
25 THE WITNESS: I'm unaware of the

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1 historical precedence for carrier deals.
2 BY MS. LEWIS-GRUSS:
3 Q So how are the -- so who determines for a
4 particular phone whether your group should offer an
5 OEM revenue share or whether the group responsible
6 for negotiating with carriers should offer the
7 carrier a revenue share?
8 MR. RAGLAND: Objection to form.
9 THE WITNESS: The business development
10 obligations or responsibilities are divided by --
11 between OEMs and carriers, and so if it is a
12 carrier, the carrier team will negotiate those
13 search revenue-share arrangements, and if it's an
14 OEM -- a global OEM, it is more likely that my team
15 will be the one that does those negotiations.
16 BY MS. LEWIS-GRUSS:
17 Q So we've spoken a lot today about the
18 Android ecosystem. Is it Google strategy to have
19 the most popular mobile device ecosystem in the
20 world?
21 MR. RAGLAND: Objection to form, and
22 objection to the extent it's beyond the scope of the
23 noticed topics.
24 THE WITNESS: I don't think the most
25 popular is the prevailing goal.

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1 BY MS. LEWIS-GRUSS:
2 Q What is the prevailing goal, please?
3 MR. RAGLAND: Objection to form.
4 THE WITNESS: I believe it would be to
5 provide the most robust possible ecosystem and
6 experience for the smartphone or mobile phone
7 industry and associated or extended form factors so
8 that OEM participants and ODM participants and SoCs
9 and carriers and users can all thrive and succeed on
10 top of or in connection with the Android ecosystem.
11 BY MS. LEWIS-GRUSS:
12 Q And how do you determine that an ecosystem
13 is robust?
14 MR. RAGLAND: Objection. Form.
15 Objection. Beyond the scope of the noticed topics.
16 THE WITNESS: I think developer adoption,
17 user satisfaction, OEM adoption, OEM success,
18 carrier affinity for Android devices and their
19 ranging or assortment processes, quality of
20 experience as measured by user affinity or adoption.
21 So I think there's different variables that play
22 into getting a -- a high-quality product that is
23 competitive relative to others that are available.
24 BY MS. LEWIS-GRUSS:
25 Q And who are the competitors that are

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